

RUSSELL A. HART  
EDWARD M. WERNER  
Assistant Federal Defender  
Federal Defenders of Montana  
Billings Branch Office  
175 North 27<sup>th</sup> Street, Suite 401  
Billings, MT 59101  
Phone: (406) 259-2459  
Fax: (406) 259-2569  
russell\_hart@fd.org  
edward\_werner@fd.org  
Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

**Case No. CR-23-103-BLG-SPW**

Plaintiff,

vs.

**NOTICE OF APPEAL**

GABRIEL COWAN METCALF,

Defendant.

NOTICE IS HEREBY GIVEN that Defendant GABRIEL COWAN METCALF, appeals to the United States Court of Appeals for the Ninth Circuit from the Judgment filed and entered against him in the District Court on August 2, 2024. This appeal is from the District Court's denial of Mr. Metcalf's Motion to Dismiss Indictment.

The issue was preserved pursuant to a plea agreement that was accepted by the District Court at the time of sentencing.

RESPECTFULLY SUBMITTED August 6, 2024.

/s/ Russell A. Hart

RUSSELL A. HART  
Federal Defenders of Montana  
Counsel for Defendant

/s/ Edward M. Werner

EDWARD M. WERNER  
Federal Defenders of Montana  
Counsel for Defendant

**CERTIFICATE OF SERVICE**  
**L.R.5.2(b)**

I hereby certify that on August 6, 2024, a copy of the foregoing document was served on the following persons by the following means:

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1. CLERK, UNITED STATES DISTRICT COURT
2. THOMAS K. GODFREY  
ZENO B. BAUCUS  
Assistant United States Attorney  
United States Attorney's Office  
2602 2<sup>nd</sup> Avenue North, Suite 3200  
Billings, MT 59101  
Counsel for the United States of America
3. GABRIEL COWAN METCALF  
Defendant

/s/ Russell A. Hart  
RUSSELL A. HART  
Federal Defenders of Montana  
Counsel for Defendant

/s/ Edward M. Werner  
EDWARD M. WERNER  
Federal Defenders of Montana  
Counsel for Defendant